

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 8830 of 2026

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RAKESH DALPATBHAI OAD
Versus
THE GEOLOGIST NAVSARI & ANR.

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Appearance:
MR. SOHEL H SHAIKH(17661) for the Petitioner(s) No. 1
NIKUNJ KANARA AGP For the Respondent(s) No. 1,2

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 03/07/2026

ORDER

1. RULE. Learned Assistant Government Pleader waives serves of Rule for and on behalf of the respondents.

2. With the consent of the learned counsels for the parties, the matter is taken up for final hearing and disposal.

3. Learned counsel for the petitioner submits that the vehicle of the petitioner has been seized on 11.04.2026 by the respondent authorities and till date, no complaint has been filed by the respondents. Learned counsel submits that since the complaint has not been filed as per provisions of the Gujarat Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017, the petitioner is entitled to release of his vehicle being TATA Hitachi Excavator Machine Ex 210

Super, Serial No.SP20-35384, pending the proceedings. Learned counsel in support of his contentions places reliance on the order passed by the Coordinate Bench of this Court dated 8.8.2024 in Special Civil Application No.8664 of 2024.

4. Learned Assistant Government Pleader appearing for the respondents upon instructions received from Mr.Pravin Khambhla, Geologist, submits that no complaint has been filed yet and that therefore, appropriate order may be passed in the present case.

5. In view of the aforesaid submissions, it is revealed that no complaint has not been filed within the stipulated period of time under the Rules, 2017. Various orders have been passed by this Court, wherein it has been held that it would be obligatory on the part of the investigator to approach the Court of Sessions with a written complaint and produce the seized properties before the Court within the stipulated period under the Rules. In absence of such exercise, the purpose of seizure and the bank guarantee would stand frustrated. Resultantly, the property will have to be released in favour of the person from whom it was seized without insisting for the bank guarantee.

6. In view of the enunciation of law and in absence of any complaint filed, it would not be within the authority of the respondent No.2 to continue seizure of the vehicle and therefore, the authority concerned is directed to forthwith release the vehicle of the petitioner i.e. TATA Hitachi Excavator Machine Ex 210 Super, Serial No.SP20-35384. It is clarified that the present writ petition has been entertained only for the limited purpose of releasing the vehicle of the petitioner. It will be open to the petitioner to avail of the remedy available in law. It is also clarified that this order shall not preclude the officers to initiate any proceedings, in accordance with law.

7. It is made clear that this Court has not gone into the merits of the case and no observation is made thereon.

8. In view of the aforesaid observations, the present Special Civil Application stands DISPOSED OF. Rule is made absolute accordingly. No order as to costs. Direct Service is permitted.

BHAVIN MEHTA

(NIRZAR S. DESAI,J)